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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,913	06/26/2003	Craig A. Hickman	MICRON.100C1	7050
20995	7590	06/10/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			FULLER, RODNEY EVAN	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

10/608,913

Applicant(s)

HICKMAN, CRAIG A.

Examiner

Rodney E Fuller

Art Unit

2851

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-- The MAILING DATE of this c mmunicati n appears n the c ver sh et with the c rrespondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

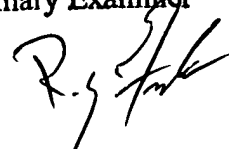
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Rodney Fuller**  
**Primary Examiner**

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Remarks***

In response to applicant's Amendment, dated April 5, 2004, the examiner acknowledges the addition of claims 40-42. Claims 1-42 are pending.

Regarding the 35 U.S.C. 102(e) rejection of claims 1-39 as being anticipated by Shu, et al. (US 6,151,103), the applicant makes the argument in Shu "the filter (183) does not have any portions to diverge or converge light distorted by a defect of a pattern in another plate" and that "Shu does not teach or suggest a second plate configured to diverge or converge of light distorted by a defect in another pattern." The examiner notes that Shu teaches (column 5, lines 55-65) a system "a first plate having a pattern, the first plate being configured to receive a light form a light source and to project an image through the pattern, the pattern including a defect causing distortion of the light." (See Rejection below) Further, Shu teaches (column 5, lines 55-65) that a filter (i.e., second plate) may correct the flaws in the reticle. Thus, Shu clearly discloses "a first plate having a pattern" that includes "a defect causing distortion of light;" and a second plate that "diverges or converges" the light coming from the reticle. Thus, the examiner has considered the applicant's arguments and maintains the rejection.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Shu, et al. (US 6,151,103).

Shu (US 6,151,103) discloses all the structure set forth in the claims. Regarding claim 1, Shu discloses “a first plate (Fig. 2, ref.# 160) having a pattern, the first plate being configured to receive light from a light source (Fig. 1, ref.# 110) and to project an image through the pattern, the pattern including a defect (abstract, lines 12-13) causing distortion of the light; and a second plate (Fig. 2, ref.# 183) located in a path of the projected image, the second plate comprising one or more portions configured to diverge or converge at least a portion of the light distorted by the defect.”

Regarding claims 2-11, Shu discloses wherein the second plate is a filter that bears a Fourier transform of the reticle pattern. (column 5, lines 55-65) Thus, Shu reads on the claims 2-11.

Regarding claim 12, Shu discloses “wherein a distance from the light source to the second plate (Fig. 2, ref.# 183) is greater than a distance from the light source to the first plate (Fig. 2, ref.# 160).” (See Figure 2, ref.# 160 is between the light source and ref.# 183)

Regarding claim 13, Shu discloses “wherein the first plate comprises an optically transparent material.” (column 3, line 51)

Regarding claim 14, Shu discloses “wherein the material comprises quartz.” (column 4, line 55)

Regarding claim 15, Shu discloses “wherein the pattern comprises chrome.” (column 4, line 60)

Likewise, Shu discloses the structure set forth in claims 16-24 and 34-39.

The method steps of claims 25-33 and 40-42 are met by the operation of Shu as applied to claims 1-24 and 34-39.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller  
Primary Examiner  
Art Unit 2851

A handwritten signature in black ink, appearing to read 'R. E. Fuller', is written over the printed name and title.

June 8, 2004